

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

THE AFFILIATED CONSTRUCTION TRADES
FOUNDATION, a division of the
West Virginia State Building and
Construction Trades Council, AFL-CIO

Plaintiff

v.

Civil Action No.: 2:04-1344

THE WEST VIRGINIA DEPARTMENT OF
TRANSPORTATION, Division of Highways;
THE UNITED STATES DEPARTMENT OF
TRANSPORTATION; THE WEST VIRGINIA
BOARD OF EDUCATION; THE MINGO
COUNTY REDEVELOPMENT AUTHORITY;
and NICEWONDER CONTRACTING, INC.

Defendants

O R D E R

The court has under advisement the parties' briefing on the issue of appropriate declaratory relief for plaintiff's Davis-Bacon Act claim. This briefing was directed by the court in its September 5, 2007 memorandum opinion and order granting plaintiff's motion for summary judgment with respect to the Davis-Bacon Act claim.

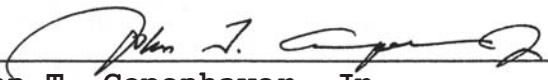
In its briefing, filed December 3, 2007, defendant Nicewonder Contracting, Inc. challenges plaintiff's standing specifically with regard to the Davis-Bacon Act claim. Although the court addressed standing generally in its September 5, 2007

order, the briefing on that issue was cursory, and Nicewonder has now made a specific contention that raises a serious question about the court's ability to adjudicate the Davis-Bacon Act claim. The court treats Nicewonder's briefing as a motion for the court to reconsider its authority to hear the Davis-Bacon Act claim only.

Accordingly, the plaintiff is directed to supplement its reply, filed December 17, 2007, fully addressing the narrow issue of whether the plaintiff has standing to assert and obtain relief on its Davis-Bacon Act claim, supported by such factual evidence as may sustain its position on standing, on or before March 28, 2008.

The Clerk is directed to forward copies of this order to all counsel of record.

DATED: March 18, 2008



John T. Copenhagen, Jr.
United States District Judge